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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,461	04/27/2001	Sarah Bell	36-1430	8074

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Nixon & Vanderhye  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/830,461	<b>Applicant(s)</b> BELL ET AL.	
	<b>Examiner</b> Ashok B. Patel	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/27/01.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>71301</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Application Number 09/830, 461 was filed on 04/27/2001. Claims 1-13 are subject to examination.

#### ***Specification***

2. The disclosure is objected to because of the following informalities:
  - a. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

- b. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

- c. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).
- d. The use of the trademarks "RealPlayerG2" and "Java" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.
- e. Claim 7 objected to because of the following informalities:  
Examiner is unable to interpret the portion of the phrase: "...linking the or each media module..." For the purpose of this office action the indicated

phrase was read as "...linking each media module...". Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

**3. 35 U.S.C. 101 reads as follows:**

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- a.** Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 recites computer readable storage medium containing at least a part of a description of media session, failing to recite any hardware necessary to render the claims tangible.

Claim 13 only requires a storage medium and is absent computer readability or execution.

***Double Patenting***

**4.** A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

- a.** Claim 1 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 6 of copending Application No. 09/830,

462. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Avaro et al. ("The MPEG-4 systems and description languages: A way ahead in audio visual information representation", Dated May 1, 1997)(hereinafter Avaro)

**Referring to claim 1,**

The reference teaches method of announcing a description of a media session, comprising the steps of :

generating a first base module having a first data structure comprising user oriented data relevant to the media session; (page 390, section 2.3.1, element MPEG4Object)

generating at least one media module having a second data structure comprising media oriented data necessary for a user to receive a respective media stream of the media session; (Page 390 and 391, section 2.3.2, element "AV objects which are called subsets").

providing a link between the first base module and the at least one media module; and, (Fig.5, "composition informations")

announcing the media session by making to potential recipients of the media session, (Page 391, section 2.4, "communication structure".)

wherein the link between the first base module and the at least one media module permits a user to access the at least one media module and subsequently receive the media stream. (Fig.5, "display and user interaction", page 406, section 4).

**Referring to claim 2,**

The reference teaches a method according to claim 1, further comprising the steps of:

generating a second base module, the second base module containing user orientated data relating to a sub-session of the media session;(Page 390 and page 391, section 2.3.2, element " AVObject)

linking the second base module to the first base module; and,

linking said at least one media module to the second base module.(page 391, element "composition").

**Referring to claims 3 and 4,**

The reference teaches a method according to claim 1, further comprising the steps of:

generating at least one options module having a third data structure comprising data relating to service level criteria required to participate in the media session; and,

linking the or each options module to a respective base module., and a method according to claim 3 in which the data contained in the options module relates to a quality of service policy to be used by the media session or a part thereof . (page 394, Fig.5, page 392, "configuration", page 422, section 6.1).

**Referring to claim 13,**



Claim 13 is a claim to a computer readable storage medium containing data defining the elements of the method steps of claim 1. Therefore claim 13 is rejected for the reasons set forth for claim 1.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avaro et al. ("The MPEG-4 systems and description languages: A way ahead in audio visual information representation", Dated May 1, 1997)(hereinafter Avaro) in view of Kumar

(US 6, 163, 531)

**Referring to claims 5 and 6,**

Keeping in mind the teachings of Avaro as stated above, the reference specifically fails to teach the data contained in the options module relates to a security system to be used by the media session or a part thereof. and, in which the data contained in the options module relates to a charging system to be used by the media session or a part thereof . The reference Kumar teaches the SDP announcement which includes " the following information: (1) conference identification; (2) conference start and stop times; (3) mode of each RTP and data sessions, which include the media type (video, audio,

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data, etc.), the coder (G.723.1, H.263, etc.), etc.; (4) information on how to register and obtain an encryption key(s), algorithm(s) addresses, and ports for each RTP session; (5) a web site uniform resource locator ("URL") to provide more information on the conference, such as slides for downloading, documents, payment method, etc.; (6) address of the capability negotiation server; and, (7) a MC address to provide a back-channel to the RTP receiver terminals." (col.7, lines 19-30). The reference also teaches "where a conference is pre-announced with sufficient information to enable discovery and participation. In one embodiment, an Internet Engineering Task Force ("IETF") Session Description Protocol ("SDP") is used to encode the conference announcement (see, e.g., FIG. 6). In particular, SDP defines how information is specified in a conference. However, any other mechanism may be used to carry the announcement such as by way of electronic mail ("SMTP"), the Internet (HyperText Transfer Protocol, "HTTP"), and Session Announcement Protocol ("SAP"). Participation in the conference may be limited for security, registration, and/or monetary purposes (e.g., a college class). In such a case, the public announcement will typically contain information on how to register and obtain a private announcement with encryption key(s), algorithm(s), and any other private information (see, e.g., FIGS. 7 and 8). (col. 5, lines 28-44, Figs.7, 8 and 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Avaro to include options (modules) incorporating the teachings of Kumar such that the participation in the conference can be limited for security and monetary purposes as explicitly taught by Kumar.

**Referring to claim 7,**

The reference Avaro teaches "Decompression recovers the AV objects' data from their encoded formats. and provides the composition layer with this information.

Decompression is currently performed by successive calls to the apply methods of Processobjects to recover the needed image and audio waveforms from the input streams. (page 393, section 2.5.2,'Decompression") (wherein one or more media module (s) comprise data necessary for a user to receive a layered media stream of a respective media session;). The reference fails to explicitly teach the step of linking the or each media module to one or more respective options module(s) containing data relating to a layered mechanism of the respective layered media stream necessary for a party to participate in the layered media stream. The reference Kumar teaches "Layered video may be provided to accommodate participants at different bandwidth links and their need for varying picture quality. "(col.3, lines 38-40). The reference Kumar also teaches the SDP announcement which includes " the following information: (1) conference identification; (2) conference start and stop times; (3) mode of each RTP and data sessions, which include the media type (video, audio, data, etc.), the coder (G.723.1, H.263, etc.), etc.; (4) information on how to register and obtain an encryption key(s), algorithm(s) addresses, and ports for each RTP session; (5) a web site uniform resource locator ("URL") to provide more information on the conference, such as slides for downloading, documents, payment method, etc.; (6) address of the capability negotiation server; and, (7) a MC address to provide a back-channel to the RTP receiver terminals." (col.7, lines 19-30). The reference also teaches "where a conference is pre-announced with sufficient information to enable discovery and

participation. In one embodiment, an Internet Engineering Task Force ("IETF") Session Description Protocol ("SDP") is used to encode the conference announcement (see, e.g., FIG. 6). In particular, SDP defines how information is specified in a conference. However, any other mechanism may be used to carry the announcement such as by way of electronic mail ("SMTP"), the Internet (HyperText Transfer Protocol, "HTTP"), and Session Announcement Protocol ("SAP"). Participation in the conference may be limited for security, registration, and/or monetary purposes (e.g., a college class). In such a case, the public announcement will typically contain information on how to register and obtain a private announcement with encryption key(s), algorithm(s), and any other private information (see, e.g., FIGS. 7 and 8). (col. 5, lines 28-44, Figs. 7, 8 and 9). The reference Kumar teaches the media session is announced by transmitting all of the constituent modules of the session description, in Figs. 7, elements 714, 726 and 728. The reference Kumar also teaches the media session is announced by transmitting all of the constituent modules of the session description, in Figs. 7, elements 714, 726 and 728 which contain the "c" which specifies the multicast address (link) of that particular module. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Avaro to include to include the teachings of Kumar such that the media modules are provided with links to other options (modules) such that layered video can be provided to accommodate participants at different bandwidth links and their need for varying picture quality.

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This helps to determine participation level in the conference that can be limited for security, registration and monetary purposes such as college class as explicitly taught by Kumar.

**Referring to claim 8,**

Keeping in mind the teachings of Avaro as stated above, the reference explicitly fails to teach the data contained in a media module includes data necessary for a user to receive or transmit data or both receive and transmit for inclusion in the media session. The reference Kumar teaches the media module in Fig.7, wherein the element 714 has the component "a" which represents "recvonly". Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Avaro to include to include the teachings of Kumar such that the participation level in the conference can be limited for security, registration and monetary purposes such as college class as explicitly taught by Kumar.

**Referring to claim 9,**

Keeping in mind the teachings of Avaro as stated above, the reference explicitly fails to teach the media session is announced by transmitting all of the constituent modules of the session description. The reference Kumar teaches the media session is announced by transmitting all of the constituent modules of the session description, in Figs. 7, elements 714, 726 and 728. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Avaro to include to include the teachings of Kumar such that the participation level in the conference can be

limited for security, registration and monetary purposes such as college class as explicitly taught by Kumar.

**Referring to claims 10 and 11,**

Keeping in mind the teachings of Avaro as stated above, the reference explicitly fails to teach the media session is announced by transmitting only some of the constituent modules of the session description, with the remaining modules of the session description being subsequently accessible by a user using one or more links provided in the modules transmitted, and the remaining modules of the session description are held on one or more servers and the one or more links to the remaining modules are in the form of URI pointers. The reference Kumar teaches the SDP announcement which includes " the following information: (1) conference identification; (2) conference start and stop times; (3) mode of each RTP and data sessions, which include the media type (video, audio, data, etc.), the coder (G.723.1, H.263, etc.), etc.; (4) information on how to register and obtain an encryption key(s), algorithm(s) addresses, and ports for each RTP session; (5) a web site uniform resource locator ("URL") to provide more information on the conference, such as slides for downloading, documents, payment method, etc.; (6) address of the capability negotiation server; and, (7) a MC address to provide a back-channel to the RTP receiver terminals." (col.7, lines 19-30). The reference also teaches "where a conference is pre-announced with sufficient information to enable discovery and participation. In one embodiment, an Internet Engineering Task Force ("IETF") Session Description Protocol ("SDP") is used to encode the conference announcement (see, e.g., FIG. 6). In particular, SDP defines

how information is specified in a conference. However, any other mechanism may be used to carry the announcement such as by way of electronic mail ("SMTP"), the Internet (HyperText Transfer Protocol, "HTTP"), and Session Announcement Protocol ("SAP"). Participation in the conference may be limited for security, registration, and/or monetary purposes (e.g., a college class). In such a case, the public announcement will typically contain information on how to register and obtain a private announcement with encryption key(s), algorithm(s), and any other private information (see, e.g., FIGS. 7 and 8). (col. 5, lines 28-44, Figs. 7, 8 and 9). The reference Kumar teaches the media session is announced by transmitting all of the constituent modules of the session description, in Figs. 7, elements 714, 726 and 728. The reference Kumar also teaches the media session is announced by transmitting all of the constituent modules of the session description, in Figs. 7, elements 714, 726 and 728 which contains the "c" which specifies the multicast address (link) of that particular module. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Avaro to include to include the teachings of Kumar such that the media modules are provided with various links to other media modules for user accessibility to those modules by the techniques taught by the reference. This helps to determine participation level in the conference that can be limited for security, registration and monetary purposes such as college class as explicitly taught by Kumar.

**Referring to claim 12,**

Keeping in mind the teachings of Avaro as stated above, the reference explicitly fails to teach in which modules of the session description contain links to modules which are

generated subsequent to the announcement. The reference Kumar teaches the media session is announced by transmitting all of the constituent modules of the session description, in Figs. 7, elements 714, 726 and 728 which contains the "c" which specifies the multicast address (link) of that particular module. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to modify Avaro to include to include the teachings of Kumar such that the participation level in the conference can be limited for security, registration and monetary purposes such as college class as explicitly taught by Kumar.

#### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (703) 305-2655. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
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 JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100